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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re Marriage of WALLACE LOY TIM  
and AMY JU WONG.

ELIZABETH WONG, as Successor  
Trustee, etc.,

Appellant,

v.

AMY JU WONG,

Respondent.

G056616

(Super. Ct. No. 95D011667)

O P I N I O N

Appeal from an order of the Superior Court of Orange County, Julie A. Palafox, Judge. Motion to dismiss appeal granted; appeal dismissed.

Sitzer Law Group, Michael Ferdinand Sitzler and Stefanie M. Sitzler;  
Blanchard Krasner & French and Mark A. Krasner; and Stephen Temko for Appellant.

Seastrom Seastrom & Tuttle and Thomas W. Tuttle; Law offices of  
Marjorie G. Fuller and Marjorie Gross Fuller for Respondent.

THE COURT:\*

The remaining portion of this appeal (see *In re Marriage of Wong* (Sep. 19, 2018, G056616) [nonpub. opn.]) is taken from a July 23, 2018 order refusing to dissolve a preliminary injunction entered in 2017. (Code Civ. Proc., § 904.1, subd. (a)(6) [order refusing to dissolve injunction is appealable].) On December 10, 2018, the trial court entered an order vacating the underlying preliminary injunction entered in 2017 (which the trial court refused to dissolve in the July 2018 order on appeal). The trial court also entered a new order independently entering another preliminary injunction, which duplicated the effect of the prior orders.

Resolution of this appeal will have no practical impact and cannot provide appellant with effective relief. (*Mercury Interactive Corp. v. Klein* (2007) 158 Cal.App.4th 60, 78.) The July 2018 order is currently of no effect. To the extent appellant wishes to appeal the December 10, 2018 injunctive order currently in effect, she may do so in her pending appeal in case No. G057202. (Cf. *O’Kane v. Irvine* (1996) 47 Cal.App.4th 207, 210, fn. 4 [dismissing appeal of temporary restraining order as moot, in light of subsequent entry of three-year restraining order that was properly the subject of the appeal].)

Appellant argues that this appeal is not moot because the controversy at hand is likely to recur between the parties and because the arguments appellant intends to make in this appeal will be key issues in ongoing litigation between the parties. What appellant has not done is identify any issue that can be raised in this appeal that cannot be raised in case No. G057202. Moreover, rather than proceeding apace with the instant appeal by briefing it in a timely fashion, appellant has still not filed an opening brief in

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\* Before O’Leary, P. J., Bedsworth, J., and Goethals, J.

this matter but instead asks to delay briefing and consolidate this appeal with case No. G057202. In short, there is nothing to be gained by keeping this case alive despite its mootness.

#### DISPOSITION

Respondent's motion to dismiss this appeal as moot is granted. The appeal is dismissed as moot. In the interests of justice, respondent shall recover costs incurred on appeal. (Cal. Rules of Court, rule 8.278(a)(5).)